

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday, March 16, 1998

DIVISION ONE

A079141 -- The People v. Tommy J. Johnson.

The judgment is affirmed. Swager, J. We concur: Stein, Acting P.J.,
Dossee, J. (Not for Publication.)

**A078983 -- In re Jose S., a Person Coming Under the Juvenile Court
Law.**

The judgment is affirmed. Swager, J. We concur: Stein, Acting P.J.,
Dossee, J. (Not for Publication.)

DIVISION TWO

A076822 -- The People v. James F. Greene.

The trial court's finding that appellant's 1972 attempted second degree burglary conviction constituted a "strike" within the meaning of section 1170.12 is stricken and the matter remanded for resentencing. In all other respects the judgment is affirmed. Kline, P.J. We concur: Haerle, J., Ruvolo, J. (Not for Publication.)

Monday, March 16, 1998 (continued)

DIVISION THREE

**A080652 -- In re Jennifer J., a Person Coming Under the Juvenile
Court Law.**

The jurisdictional and dispositional orders are affirmed. Phelan, P.J. We
concur: Parrilli, J., Walker, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, March 17, 1998

DIVISION TWO

A076593 -- Arthur Mitchell v. Asbestos Corporation, Ltd.

The second action, *Mitchell II*, was time-barred (§ 340.2), and the court lacked personal jurisdiction over ACL in the consolidated but unserved first action, *Mitchell I*. Accordingly, the judgment is reversed. Lambden, J. We concur: Kline, P.J., Haerle, J. (Certified for Publication.)

A079303 -- In re Sean M., a Person Coming Under the Juvenile Court Law.

We conclude there are no arguable issues on appeal. Lambden, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

A081377 -- In re Shane Y. et al., Persons Coming Under the Juvenile Court Law.

The petition for extraordinary relief is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888.) Petitioner is barred in any subsequent appeal from making further challenges to the order terminating reunification services and setting a hearing under section 366.26 (See subd. (I)(1).) Since the permanency planning hearing is set for April 29, 1998, this opinion is final as to this court forthwith. (Rule 24(d).) Ruvolo, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

Tuesday, March 17, 1998 (continued)

DIVISION FOUR

A075588 -- Zora M. Biagini v. Carter Hawley Hale Stores, Inc.

The judgment is affirmed. Appellant shall pay respondent's costs on appeal. McGuinness, J. We concur: Poché, Acting P.J., Reardon, J. (Not for Publication.)

A077140 -- The People v. Merrill Gaines, Jr.

The judgment is affirmed. McGuinness, J. We concur: Poché, Acting P.J., Reardon, J. (Not for Publication.)

A079047 -- The People v. Connell Ryans.

Judgment affirmed. Reardon, J. We concur: Hanlon, P.J., McGuinness, J. (Not for Publication.)

A079322 -- Tomei Industries (America), Inc. v. Thomas D. Pereira.

In sum, Pereira's interest in the instant judgment appealed from is speculative and remote. His appeal is hereby dismissed. Pereira to bear costs of appeal. McGuinness, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

DIVISION FIVE

A076339 -- Colleen Soldate v. Fidelity National Financial, Inc., et al.

We reverse the trial court's grant of injunctive relief, but in all other respects we affirm the judgment. Each party to bear its own costs on appeal. Jones, J. We concur: Peterson, P.J., Haning, J. (Certified for Partial Publication.)

Tuesday, March 17, 1998 (continued)

A079446 -- The People v. Scanvinski Hymes.

The judgment is affirmed. Peterson, P.J. We concur: Haning, J., Jones, J.
(Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

DIVISION THREE

Tuesday, March 17, 1998

Court convened at 9:00 a.m. in its Courtroom at 303 Second Street, South Tower, Fourth Floor, San Francisco, California. Present: Phelan P.J., Corrigan J., Parrilli, J., and J. Casados, Deputy Clerk.

- A078188 The People,
 v.
 Joshua L.
 Cause called and argued by Andrew Carroll, counsel for appellant,
 and Raymond Cardoza, Deputy Attorney General, counsel for respondent.
 Cause ordered submitted.
- A076858 Healis Stevenson,
 v.
 Jack Palladino.
 Cause called and argued by Charles Morgan, counsel for appellant,
 and Timothy Cahn, counsel for respondent. Cause ordered submitted.
- A077106 Edgar Littleton,
 v.
 Ronald Nelson et al.
 Cause called and argued by Paul Wotman, counsel for appellant,
 and Gary Lafayette, counsel for respondents. Cause ordered submitted.
- A075039 Josephine Rosenberg et al.,
 v.
 Marjorie Joyce A. Winchester.
 Cause called and argued by John Cullen, counsel for appellant, and Joel
 Bellows by telephone conference, counsel for respondents. Cause ordered
 submitted.

Justice Parrilli left the bench, and Justice Walker took his place on the bench.

- A076284 Luis Vasquez et al.,
v.
Palestro Distributing Center et al.
Cause called and argued by Lawrence Einhorn, counsel for appellants, and Jeffrey F. Oneal, counsel for respondents. Cause ordered submitted.
- A077385 Estate of William Julian Basanez, Deceased.
Beatrice Gold Basanez, as co-executor,
v.
John D. Basanez, as co-executor.
Cause called and argued by Robert Mills, counsel for appellant, and Jenny D. Smith, counsel for respondent. Cause ordered submitted.
- A076401 Leo R. Norgart et al.,
v.
The Upjohn Company.
Cause called and argued by Peter Ticktin by telephone conference, counsel for appellants, and Micheal Healy, counsel for respondent. Cause ordered submitted.
- A076881 Tong Myung Park,
v.
Ned Grove.
Cause called and argued by Tong Park, in propria persona, and Arlene M. Rosen, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

DIVISION THREE

Tuesday March 17, 1998

Court convened at 1:30 p.m. in its Courtroom at 303 Second Street, South Tower, Fourth Floor, San Francisco, California.

Present: Phelan P.J., Corrigan J., Parrilli, J., Walker J., and C. Turner, Deputy Clerk

A074646 The People,
 v.
 Elliot C. Kwok,
 Cause called and argued by Daniel Byrne, counsel for appellant,
 and Catherine Rivlin, Deputy Attorney General, counsel for respondent.
 Cause ordered submitted.

A075308 Joseph Henry Cummings, M.D.,
A074297 v.
 The Superior Court of San Francisco County,
 Medical Board of California,
 Cause called and argued by Thomas H. Porter, counsel for appellants,
 and Andrian Panton, Deputy Attorney General, counsel for respondent.
 Cause ordered submitted.

Justice Phelan left the bench.

A074243 The People,
 v.
 Leland Adair Smith,
 Cause called and argued by Kathleen Kahn, counsel for appellants,
 and Donna Chew, Deputy Attorney General, counsel for respondent.
 Cause ordered submitted.

A075784 Sprig Electric Company,
v.
Sun Microsystems, Inc.,
San Jose Construction Company,
Cause called and argued by David Lively and Thomas H. Squeri counsel
for appellants, and David Arata, counsel for respondent.
Cause ordered submitted.

A076845 Robert L. Day, et al.,
v.
AT&T Corporation, et al.,
Cause called and argued by April Strauss, counsel for appellants,
and David Heilbron and Jeffrey Ross, counsel for respondents.
Cause ordered submitted.

A078202 Timothy B. Manning,
v.
Hutka Mini Storage, et al.,
Cause called and argued by Joseph Joiner, counsel for appellants, and
Tony Tanke, counsel for respondent.
Cause ordered submitted.

A078207 Tony W. Jones,
v.
Hutka Mini Storage, et al.,
Cause called and argued by Joseph Joiner, counsel for appellants, and
Tony Tanke, counsel for respondent.
Cause ordered submitted.

A078197 John A. Roberts,
v.
Hutka Mini Storage, et al.,
Cause called and argued by Joseph Joiner, counsel for appellants, and
Tony Tanke, counsel for respondent.
Cause ordered submitted.

A077724 717 Central Avenue Joint Venturers, et al.,
v.
James Pope,
Cause called and argued by Robert Harkness, counsel for appellants, and
Steven Vettel, counsel for respondent.
Cause ordered submitted.
Court adjourned

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Wednesday, March 18, 1998

DIVISION ONE

**A081187 -- Lorena A. v. The Superior Court of Contra Costa County,
Contra Costa County Department of Social Services, et al., R.P.I.**

The petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Bay Development, Ltd., v. Superior Court* (1990) 50 Cal.3d 1012; *Kowis v. Howard* (1992) 3 Cal.4th 888; and § 366.26, subd. (l), precluding further challenge to these orders by petitioner in any subsequent appeal.) The request to stay the March 25, 1998 section 366.26 hearing is denied, and this opinion is final as to court immediately. Dossee, J. We concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

DIVISION TWO

A076620 -- The People v. Michael Richard Jajeh.

The judgment is affirmed. Kline, P.J., We concur: Haerle, J., Lambden, J. (Not for Publication.)

A077775 -- The People v. David Keith Zelinski.

The judgment is affirmed. Haerle, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

A079196 -- The People v. Todd James Maupin.

The judgment of the trial court is affirmed. Ruvolo, J. We concur: Kline, P.J., Lambden, J. (Certified for Publication.)

Wednesday, March 18, 1998 (continued)

DIVISION THREE

A078270 -- In re Curtis M., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Corrigan, Act. P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

A079173 -- In re James C., a Person Coming Under the Juvenile Court Law.

No error appearing, the juvenile court's order is affirmed. Parrilli, J. We concur: Phelan, P.J., Corrigan, J. (Not for Publication.)

DIVISION FOUR

A073933 -- Marilyn Winetrub et al. v. City Investment Corporation.

Pursuant to agreement of the parties during oral argument, the amended judgment is modified to award respondents the amount of \$120,951.57. In all other respects the judgment is affirmed. Costs and attorneys fees for the appeal are awarded to respondents. Hanlon, P.J. We concur: Reardon, J., McGuinness, J. (Not for Publication.)

A078144 -- In re Jaimes F., a Person Coming Under the Juvenile Court Law.

The order terminating appellant's parental rights is affirmed. Hanlon, P.J. We concur: Poché, J., Reardon, J. (Not for Publication.)

A078249 -- Hubert E. Jewett v. Dewenter Family Trust et al.

The judgment is affirmed with costs to the Dewenters. Hanlon, P.J. We concur: Reardon, J., McGuinness, J. (Not for Publication.)

Wednesday, March 18, 1998 (continued)

DIVISION FIVE

A074273 -- The People v. Jamal Barteau Fountain.

Following the issuance of the remittitur the People will have 30 days to move for resentencing on the firearm enhancements in counts 5 through 8. If they fail to do so, the judgment will be modified to reflect a total term of 39 years on counts 5 through 8. The judgment is otherwise affirmed. Haning, J. We concur: Peterson, P.J., Jones, J.

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Wednesday, March 18, 1998

The Court met at 9:30 a.m. in its courtroom at 303 - 2nd Street, Fourth Floor, San Francisco. Present: Kline, P. J., Haerle, J., Ruvolo, J. and S. Graham, Deputy Clerk.

- A076464 The People
 v.
 T. A. J., a Minor
Cause called and argued by J. Bradley O'Connell, counsel for appellant and Andrew Sweet, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A073127 Bay Area Land Watch
 v.
 County of San Mateo, et al.
 Watson Communication Systems
Cause called and argued by Paul Carroll and Brian Gaffney, counsel for appellant, Michael Murphy, counsel for respondent, County of San Mateo and Gilda R. Turitz, counsel for real party in interest, Watson Communication Systems. Cause ordered submitted.
- A075841 The People
 v.
 Darwin David Heath
Cause called and argued by Mukesh Advani, counsel for appellant and Richard Rochman, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

Court reconvened at 1:30 p.m. Present: Kline, P. J., Lambden, J., Ruvolo, J. and S. Graham, Deputy Clerk.

- A073529 The People
 v.
 Brian Michael Eads
Cause called and argued by David Simerly, counsel for appellant and Joan Killeen, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A077559 Alliance Mortgage Co.
 v.
 Ticor Title Insurance Company of California
Cause called and argued by Jean Bertrand, counsel for appellant and Edmund Regalia, counsel for respondent. Cause ordered submitted.
- A079839 Louis Tercero
 v.
 Jerry G. Jennings
Cause called and argued by John Prentice and Sheila Reid, counsel for appellant and David Miller, counsel for respondent. Cause ordered submitted.

Court recessed until Thursday, March 19, 1998 at 9:30 a.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Thursday, March 19, 1998

DIVISION ONE

A079231 -- Brenda Swaleh v. K. Yamazaki et al.

The judgment is reversed. Costs are awarded to appellant. Swager, J. We concur: Strankman, P.J., Dossee, J. (Not for Publication.)

DIVISION TWO

A071973 -- In re Clifford C., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Haerle, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

A077980 -- Winson W. Tse, et al. v. National American Bank.

The judgment is affirmed. Haerle, J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

A079704 -- The People v. Carroll Theopulius Doltin.

The judgment of conviction is affirmed. Lambden, J. We concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

Thursday, March 19, 1998 (continued)

A081480 -- Pacific Gas & Electric Company v. The Superior Court of San Francisco County, Gary Trower, R.P.I.

By The Court: The petition for writ of mandate /prohibition/certiorari is denied. Kline, P.J.

A081954 -- Venture Out, Inc. v. The Superior Court of San Mateo County, Russell Lugli, et al., R.P.I.

By The Court: The petition for writ of mandate is denied. Kline, P.J.

A082019 -- In re Essic Fail, on Habeas Corpus.

By The Court: The petition for writ of habeas corpus is denied. Kline, P.J.

DIVISION THREE

A075235 -- David F. Dane v. Darrell Wayne Chambers.

For all the foregoing reasons, the judgment of the trial court is reversed and the cause remanded for further proceedings consistent with this opinion. costs to appellant. Phelan, P.J. We concur: Corrigan, J., Walker, J. (Not for Publication.)

A076052 -- The People v. Jimmie Lee Doss, Jr.

The judgment is affirmed. Corrigan, J. We concur: Phelan, P.J., Parrilli, J. (Not for Publication.)

A076565 -- Luella Lee Wolf v. Tanya Longman Hills.

The order granting a conditional new trial is reversed. As Hills has not filed a cross-appeal, the judgment based on the jury verdict is reinstated and, upon reinstatement, will automatically become final. (*Miller v. Los Angeles County Flood Control Dist.* (1973) 8 Cal.3d 689, 699; *Mercer v. Perez* (1968) 68 Cal.2d. 104, 118-124.) Costs to plaintiff. Corrigan, Act. P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

Thursday, March 19, 1998 (continued)

A078443 -- The People v. Ignacio Gonzales.

We find no error in sentencing, and affirm. Walker, J. We concur: Phelan, P.J., Corrigan, J. (Not for Publication.)

A079288 -- The People v. Miguel Avila Reyes.

The judgment is affirmed. Walker, J. We concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

DIVISION FOUR

A076138 -- Mojdeh Froozandeh v. Regents of the University of California et al.

Judgment affirmed. Reardon, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

A079236 -- In re Francisco V., a Person Coming Under the Juvenile Court Law.

We reverse the dispositional order and remand to the juvenile court for it to redetermine the maximum period of the minor's confinement. Poché, J. We concur: Hanlon, P.J., McGuinness, J. (Not for Publication.)

A080255 -- In re Nadiyah H., a Person Coming Under the Juvenile Court Law.

The order of commitment is affirmed. Poché, J. We concur: Hanlon, P.J., McGuinness, J. (Not for Publication.)

Thursday, March 19, 1998 (continued)

DIVISION FIVE

A080243 -- The People v. Randy Mark Page.

The judgment is affirmed. Jones, J. We concur: Peterson, P.J., Haning, J.
(Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION TWO

Thursday, March 19, 1998

The Court met at 9:30 a.m. in its courtroom at 303 - 2nd Street, Fourth Floor, San Francisco. Present: Kline, P. J., Haerle, J., Lambden, J. and I. Santos, Deputy Clerk.

A078124 The People,
 v.
 Ernie Wayne Stevens.
Cause called and argued by Carlton Lacy, counsel for appellant, and
Raymond Cardozo, Deputy Attorney General, counsel for respondent.
Cause ordered submitted.

A075641 The People,
 v.
 Robert Eugene Smith.
Cause called and argued by Louis Hiken, counsel for appellant, and
Michael Banister, Deputy Attorney General, counsel for respondent. Cause
ordered submitted.

At this point, Justice Kline left the bench and Justice Ruvolo took his place.

A079884 Richard Sanders,
 v.
 Naggar Tours.
Cause called and argued by Jonathan Chase, counsel for appellant, and
Jordan Lavinsky, counsel for respondent. Cause ordered submitted.

COURT ADJOURNED.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Friday, March 20, 1998

DIVISION ONE

A079797 -- The People v. Jorge Manuel Vieira, Sr.

Accordingly, the judgment is affirmed. Swager, J. We concur: Stein, Acting P.J., Dossee, J. (Not for Publication.)

A081701 -- C.A. Terhune v. Superior Court, County of Contra Costa, Norman Ackerman, R.P.I.

By The Court: The above entitled case is transferred from Division Three to Division One of this court. This order is made pursuant to Rule 20 (b) (1) of the California Rules of Court. This case involves issues identical to other cases pending in Division One. Strankman, A.P.J.

DIVISION THREE

A077385 -- Beatrice Gold Basanez, individually and as Co-executor, etc. v. John D. Basanez, as Co-executor, etc.

Affirmed. Costs to respondent. Walker, J. We concur: Phelan, P.J., Corrigan, J. (Not for Publication.)

A078884 -- The People v. Donald Bernal.

The judgment is affirmed. Walker, J. We concur: Phelan, P.J., Parrilli, J. (Not for Publication.)

Friday, March 20, 1998 (continued)

DIVISION FOUR

A075005 -- The People v. Eugene Bryce Livingston.

A077271 -- In re Eugene Bryce Livingston, On Habeas Corpus.

The judgment is affirmed. The petition for habeas corpus is denied. (Not for Publication.)

A079801 -- The People v. David Mills.

The judgment is affirmed. Reardon, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

DIVISION FIVE

A078647 -- In re the Matter of Vernon J., a Minor.

The case is remanded to the juvenile court so it can exercise its discretion to declare the battery offense alleged in count 4 as either a misdemeanor or a felony. In all other respects the disposition is affirmed. Peterson, P.J. We concur: Haning, J., Jones, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday, March 23, 1998

DIVISION ONE

A077717 -- The People v. Dennis R. Hill.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

A081700 -- C.A. Terhune v. Superior Court, County of Contra Costa, Leotus Armstrong, R.P.I.

By The Court: The above entitled case is transferred from Division Four to Division One of this court. This order is made pursuant to Rule 20 (b) (1) of the California Rules of Court. This case involves issues identical to other cases pending in Division One. Strankman, A.P.J.

DIVISION TWO

A079605 -- The People v. Thomas Randall Deater, Jr.

The judgment is affirmed. Ruvolo, J. We concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

A082038 -- Howard G. Gray v. The Superior Court of Solano County, California Medical Facility, et al., R.P.I.

By The Court: The petition for writ of mandate/prohibition is denied without prejudice. If a hearing is held on real parties' demurrer, petitioner shall be allowed to appear by telephone. (See *Wantuch v. Davis* (1995) 32 Cal.App.4th 786.) Kline, P.J.

Monday, March 23, 1998 (continued)

DIVISION THREE

A073083 & A078163 -- The People v. Casey Wayne F., In re Casey F. on Habeas Corpus.

By The Court: The petition for rehearing is denied. Corrigan, Acting P.J.

A077724 -- 717 Central Avenue Joint Venturers et al. v. James Pope.

The superior court judgment is modified as follows: Appellants are awarded all net proceeds from the sale of the property. The partnership is dissolved. Appellants are to recover costs on appeal. Walker, J. We concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

A078188 -- In re Joshua L., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Parrilli, J. We concur: Phelan, P.J., Corrigan, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, March 24, 1998

DIVISION TWO

A078344 -- In re Alvin M., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Haerle, J. We concur: Kline, P.J., Lambden, J.
(Not for Publication.)

A079319 -- Marcus Crawley v. Russell V. Lombardo et al.

The judgment is affirmed. Ruvolo, J. We concur: Kline, P.J., Haerle, J.
(Not for Publication.)

A079450 -- In re Cesar Z., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Ruvolo, J. We concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

DIVISION THREE

A072340 -- The People v. Joann Trethewey et al.

The judgments are affirmed. Parrilli, J. We concur: Phelan, P.J., Corrigan, J. (Not for Publication.)

Tuesday, March 24, 1998 (continued)

A075784 -- Sprig Electric Co., v. Sun Microsystems, Inc., et al.

The judgment (order denying motion to compel) is affirmed. Costs to respondent. Parrilli, J. We concur: Corrigan, Actg. P.J., Walker, J. (Not for Publication.)

A076858 -- Healis Stevenson v. Jack Palladino.

The judgment is affirmed. Palladino shall recover his costs on appeal. Parrilli, J. We concur: Phelan, P.J., Corrigan, J. (Not for Publication.)

DIVISION FIVE

A077258 -- The People v. Whitney Buchanan.

The order denying appellant's motion for new trial is reversed. The matter is remanded with instructions to appoint counsel and hold a hearing on the motion for new trial. In so ruling we recognize the trial court's discretion concerning the form of the hearing, as well as its power to assess credibility and weigh evidence in connection with such motions, and express no opinion thereon. Those are matters for the trial court to decide. The judgment is otherwise affirmed. Haning, J. We concur: Peterson, P.J., Jones, J. (Not for Publication.)

A079945 -- The People v. Melvin Leon King.

The sentence is reversed and the matter remanded to the trial court with directions to prepare and forward to the Department of Corrections an amended abstract of judgment consistent with this opinion. The judgment is otherwise affirmed. Haning, J. We concur: Peterson, P.J., Jones, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

DIVISION FOUR

Tuesday, March 24, 1998

Court convened at 9:30 a.m. in its courtroom at 303 Second Street, South Tower, Fourth Floor, San Francisco, California. Present: Hanlon, P.J., Poche, J. and Reardon, J.; Channing Hoo, Deputy Clerk; CHP Officer C. Reese, Baliff.

A078918 Pedro Leonardo Mascheroni
 v.
 Regents of the University of California et al.
 Cause called and argued by Richard Harrington, counsel for appellant Mascheroni, and by John Beers, counsel for respondents. Cause ordered submitted.

A072550 People
 v.
 Richard Wesley Faulks
 Cause called and argued by Michael Sattris, counsel for appellant Faulks, and by Sharon G. Birenbaum, counsel for respondent. Simultaneous letter briefs from counsel due 5:00 p.m., Friday, March 27, 1998; cause shall be submitted at that time.

At this point, the court reconstituted itself to include Hanlon, P.J., Reardon, J. and McGuiness, J.

A079426 Diane Taylor
 v.
 City of San Rafael Police Dept.
 Cause called and argued by Terry Traktman, counsel for appellant Taylor, and by Catherine Dacre, counsel for respondent. Cause ordered submitted.

The court recessed at 10:59 a.m.

Courtroom Minutes
Division 4
Tuesday March 24, 1998

Court reconvened at 2:00 p.m. in its courtroom at 303-2nd Street, 4th Floor, San Francisco. Present: Hanlon, P.J., Poche, J., Saldamando, P.T.J., Jim Campbell, Deputy Clerk and CHP Officer J. Espinoza, Bailiff.

A075459 Daniel S. Cruey
 v.
 Gannett Company, Inc. et al.
Cause called. John O'Connor argued on behalf of appellant Daniel S. Cruey. Lindbergh Porter argued on behalf of respondents. Cause submitted.

The Court reconstituted itself: Poche, Actg.P.J., Reardon, J. and McGuiness, J.

A078592 Darlene Bonanno.
 v.
 Central Contra Costa Transit Authority.
Cause called. Walter Walker argued on behalf of appellant Darlene Bonanno. Chris Arras argued on behalf of respondent. Cause submitted.

A079629 Bayside Auto and Truck Sales, Inc.
 v.
 CCSF
Cause called. Neil Eisenberg argued on behalf of appellant Bayside Auto and Truck Sales, Inc. William Fleishhacker argued on behalf of respondent. Cause submitted.

The Court adjourned at 3:50 p.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Wednesday, March 25, 1998

DIVISION TWO

A075841 -- The People v. Darvin David Heath.

The judgment is affirmed. Kline, P.J. We concur: Haerle, J., Ruvolo, J.
(Not for Publication.)

A078278 -- Franti Pazderka et al. v. Caballeros Dimas Alang, Inc.

We reverse the order vacating the judgment, granting rescission, and granting reconsideration. The Pazderkas are awarded costs on appeal. Lambden, J. We concur: Kline, P.J., Haerle, J. (Certified for Publication.)

A081963 -- Michael Semler v. The Superior Court of San Francisco County, Principal Mutual Life Insurance Co., R.P.I.

By The Court: The petition for writ of mandate is denied. Kline, P.J.

A081964 -- Michael Semler v. The Superior Court of San Francisco County, Minnesota Mutual Life Insurance Co., R.P.I.

By The Court: The petition for writ of mandate is denied. Kline, P.J.

A081966 -- Michael Semler v. The Superior Court of San Francisco County, Aetna Life Insurance and Annuity Co., R.P.I.

By The Court: The petition for writ of mandate is denied. Kline, P.J.

Wednesday, March 25, 1998 (continued)

A081967 -- Michael Semler v. The Superior Court of San Francisco County, Hartford Life and Accident Insurance Co., R.P.I.

By The Court: The petition for writ of mandate is denied. Kline, P.J.

A081968 -- Michael Semler v. The Superior Court of San Francisco County, Guardian Life Insurance Company of America, R.P.I.

By The Court: The petition for writ of mandate is denied. Kline, P.J.

A081970 -- Michael Semler v. The Superior Court of San Francisco County, Security-Connecticut Life Insurance Co., R.P.I.

By The Court: The petition for writ of mandate is denied. Kline, P.J.

DIVISION THREE

A074653 -- The People v. Oliver J. Sylvester.

By The Court: The petition for rehearing is denied. Phelan, P.J.

DIVISION FOUR

A077975 -- The People v. Carvin Anthony Reed.

The judgment is affirmed. Poché, J. We concur: Hanlon, P.J., McGuinness, J. (Not for Publication.)

A078087 -- Jerry Zamudio et al. v. State of California et al.

We affirm the judgment. Reardon, J. We concur: Hanlon, P.J., McGuinness, J. (Certified for Publication.)

Wednesday, March 25, 1998 (continued)

A078600 -- The People v. Jeremy Joseph Marquez.

The judgment of conviction is affirmed. Poché, J. We concur: Reardon, J., McGuinness, J. (Not for Publication.)

A080095 -- The People v. Ramona Denise Owens.

The judgment is affirmed. McGuinness, J. We concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

DIVISION FIVE

Wednesday March 25, 1998

Court convened at 9:30 a.m. in its Courtroom at 303 Second Street, South Tower, Fourth Floor, San Francisco, California. Present: Peterson, P.J.; Haning, J.; Jones, J.; and Richard H. Sandvik, Deputy Clerk.

- A079359 Talmage R. Rushing et al.
 v.
 David K. Roberts et al.
 Cause called and argued by James M. Marshall, counsel for
 appellant, and by June E. Moroney, counsel for respondent. Cause
 ordered submitted.
- A077772 Division of Labor Standards Enforcement
 v.
 E.O.C. ORD, Inc. et al.
 Cause called and argued by James A. Napoli, counsel for appellant,
 and by Susan A. Dovi, counsel for respondent. Cause ordered
 submitted.
- A078987 In re the Marriage of Robin and Kelvin Crummett.
 Robin Crummett
 v.
 Kelvin Crummett
 Cause called and argued by Francis B. Mathews, counsel for
 appellant, and by Deborah Boyd, counsel for respondent.
 Submission deferred until Noon, March 25, 1998,
- A077995 Maurice A. Johnson et al.
 v.
 Shiv D. Kumar et al.
 Cause called and argued by Raymond N. Baker, counsel for
 appellant, counsel for respondent did not appear. Cause ordered

submitted.

A078737 Curtis Howard
v.
James F. Campbell
Cause called and argued by Gerald A. Holms, counsel for appellant,
and by Ryan Russell, counsel for respondent. Cause ordered
submitted.

A078626 Stephen A. Zimmerman
v.
San Francisco Police Officer's Association
Cause called and argued by Stanley Hilton, counsel for appellant, and
by Gail Norton, counsel for respondent. Cause ordered submitted.

A078309 Song Wha Lee
v.
Elton Behrens et al.
Cause called and argued by Karen K. Roberts, counsel for appellant,
and by Brian D. Seibel, counsel for respondent. Cause ordered
submitted.

A077578 Donna Grahm
v.
Exxon Corporation
and
Donna Grahm et al.
v.
Fluor Corporation et al.
Cause called and argued by Gilbert Prucell, counsel for appellants,
and by Susan Ogdie, Heather A. McKee and Steven R. Faires,
counsel for respondents. Submission deferred.

A077091 Tarkington, O'Connor & O'Neill et al.
v.
Fireman's Fund Insurance Company et al.
Cause called and argued, by Paul E. B. Glad, counsel for appellants,
and by John D. O'Connor, John E. Hell and Michael P. Guta, counsel
for respondents. Cause ordered submitted.

- A079595 Donald L. Granata
v.
City of Lafayette et al.
Cause called and argued by Charles M. Marx, counsel for appellant,
and by Susana Mould, counsel for respondents. Cause ordered
submitted.
- A077925 The People
v.
Christopher Eugene Hales
Cause called and argued by Deanna F. Lamb, counsel for appellant,
and by Michael E. Banister, Deputy Attorney General, counsel for
respondent. Cause ordered submitted.
- A079707 The People
v.
John Chandler Thomas
Cause called and argued by Victor Blmenkrantz, counsel for
appellant, and by Violet Lee, Deputy Attorney General, counsel for
respondent. Cause ordered submitted.
- A078569 The People
v.
Dustin L.
Cause called and argued by David B. Harrison, counsel for appellant,
and by Sharon Wooden, Deputy Attorney General, counsel for
respondent. Cause ordered submitted.

Court adjourned at 4:28 p.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Thursday, March 26, 1998

DIVISION ONE

A080523 -- In re Larry L., a Person coming Under the Juvenile Court Law.

The order is affirmed. Strankman, P.J., We concur: Stein, J., Swager, J.
(Not for Publication.)

DIVISION THREE

A075308 -- Joseph Henry Cummings v. The Superior Court of San Francisco County, Medical Board of California, R.P.I.

A074297 -- Joseph Henry Cummings v. Medical Board of California.

The appeal is dismissed. The alternative writ is discharged and the petition for writ of mandate is denied. Phelan, P.J. We concur: Parrilli, J., Walker, J.
(Not for Publication.)

DIVISION FIVE

A077973 -- The People v. Richard Kay Scott.

The judgment is affirmed. Peterson, P.J. We concur: Haning, J., Jones, J.
(Not for Publication.)

Thursday, March 26, 1998 (continued)

A078849 -- Jack DeLucas v. County of Contra Costa.

The judgment is affirmed. Haning, J. We concur: Peterson, P.J., Jones, J.
(Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Thursday, March 26, 1998

The Court met at 9:00 a.m. in its courtroom at 303 - 2nd Street, Fourth Floor, San Francisco. Present: Stein, Acting P.J., Dossee, J., Swager, J., and N. Millner and B. Robbins, Deputy Clerks.

A077722 Nancy Marie Major,
v.
The Regents of the University of California.
Cause called and argued by Richard H. Carlson, counsel for appellant, and John F. Baum, counsel for respondent. Cause ordered submitted.

At this time, Swager, J. left the bench and Strankman, P.J. took his place on the bench and presided over the remainder of the session.

A068499 Rena Weeks,
v.
Baker & McKenzie, et al.
Cause called and argued by Robert M. Vantress, counsel for appellant Greenstein, Jerome B. Falk, Jr., counsel for appellant Baker & McKenzie, and Phillip Kay, counsel for respondent. Cause ordered submitted.

Oral argument in this matter was recorded by Court TV.

A076226 Michael Fabianac, et al.,
v.
The Hertz Corporation, et al.,
Cause called and argued by Peter W. Davis, counsel for appellant, and Rod Divelbiss, counsel for respondent. Cause ordered submitted.

A078415 Billie Jo Mouren,
v.
Faisal Ibn Adbullah Al Saud;
Graydon S. Staring, RPI.
Cause called and argued by Billie Jo Mouren, appellant in pro per, and
Walter Johnson, counsel for respondent. Cause ordered submitted.

A076607 Trusco Tank Co.,
v.
Lionsgate Corporation, et al.
Cause called and argued by John F. Hodges, counsel for appellant, and A.
Robert Rosin, counsel for respondents. Cause ordered submitted.

At this point in the proceedings, Dossee, J. left the bench and Swager, J.
returned.

A081280 In re Patricia A. McColm
on Habeas Corpus.
Cause called and argued by Patricia A. McColm, appellant in pro per, via
teleconference, and Buck Delventhal, counsel for respondent, and Melanie
Robert, counsel for real party in interest. Cause ordered submitted.

Court recessed until 2:00 p.m.

Court reconvened at 2:00 p.m. Present: Strankman, P.J., Dossee, J., Swager, J., and B. Robbins, Deputy Clerk.

- A078138 Doris Ruiz, et al.,
 v.
 Aline Godon.
Cause called and argued by Julian T. Lastowski, counsel for appellant, and Lorelei Komm, counsel for respondent. Cause ordered submitted.
- A077870 Ken Nadjibi, et al.,
 v.
 Jack R. Goldstone.
Cause called and argued by David J. Friedenberg, counsel for appellants, and Edward Thompson, counsel for respondent. Cause ordered submitted.
- A075771 National Distribution Agency,
 v.
 Jere Van Puffelen, et al.
Cause called and argued by Ralph H. Nutter, counsel for appellant, and E. Elizabeth Summers, counsel for respondent. Cause ordered submitted.
- A078265 The People,
 v.
 Terrell S.
Cause called and argued by Deborah Tuttelman, counsel for appellant, and Christina Kuo, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A077744 The People,
A078866 v.
 Kelly H.
 In re Kelly H. on Habeas Corpus.
Cause called and argued by Kenneth D. Noel, counsel for appellant, via teleconference, and Christina Kuo, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

Court recessed until Friday, March 27, 1998 at 9:00 a.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Friday, March 27, 1998

DIVISION TWO

A071967 -- The People v. Neil Rennis Shumate.

A080138 -- In re Neil Rennis Shumate On Habeas Corpus.

By The Court: It is ordered that the opinion filed herein on February 27, 1998, be modified in the following particulars: (See Order) The petition for rehearing is denied. Haerle, Acting P.J.

A077046 -- Joseph B. Bechelli, et al. v. Luins H. Williams, Jr.

The judgment is affirmed. Haerle, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

A079593 -- The People v. Mark E. Miller.

The judgment is affirmed. Ruvolo, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

DIVISION THREE

A077106 -- Edgar Littleton v. Ronald Nelson et al.

The judgment is reversed. The trial court is directed to enter an order granting summary judgment to Nelson, and granting the University and Kees summary adjudication on all causes of action except that for violation of Labor Code section 1102.1. The parties shall bear their own costs on appeal. Parrilli, J. We concur: Phelan, P.J., Corrigan, J. (Not for Publication.)

Friday, March 27, 1998 (continued)

A078750 -- In re the Marriage of Rogelio Garingan and Visitacion Garingan.

The order setting aside the default judgment is reversed, and the matter is remanded for further proceedings. Husband shall recover his costs on appeal. Parrilli, J. We concur: Phelan, P.J., Walker, J. (Not for Publication.)

DIVISION FOUR

A077898 -- In re Marriage of Robert and Bernadine Leach.

The judgment is affirmed. Bernadine to bear costs of appeal. McGuiness, J. We concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

A078782 -- The People v. Leonard Lee Walker.

The judgment is affirmed. McGuiness, J. We concur: Poché, Acting P.J., Reardon, J. (Not for Publication.)

A078800 -- The People v. David Alan Hutchings.

The judgment is affirmed. Poché, J. We concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

Friday, March 27, 1998 (continued)

DIVISION FIVE

A075738 -- Greer Neuwald Builders, Inc. v. Lyman E. Dean et al.

Judgment partially reversed and remanded. The trial court's interpretation of the contract and the jury's finding that Greer was not actively negligent are affirmed, but its application of collateral estoppel is reversed. We remand for a new trial limited to determining whether the negligence of subcontractor Dean, "anyone directly or indirectly employed by [Dean] or anyone for whose acts it may be liable," caused the death of Alfred Coello. If any amount of negligence is attributed to any of those parties, the trial court will reinstate the judgment it previously rendered against Dean, plus interest from the date of that judgment. If no negligence is attributed to Dean or any party for whose acts it may be liable, judgment on Greer's cross-complaint shall be entered in favor of the Dean cross-defendants. Each party to bear its own costs on appeal. Jones, J. We concur: Peterson, P.J., Haning, J. (Not for Publication.)

A076534 -- The People v. Freddie Lee Williams.

The judgment is affirmed. However, the abstract of judgment incorrectly states appellant was convicted in count 2 of Penal Code section 190, subdivision (b), rather than Penal Code section 192, subdivision (b). The trial court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment reflecting appellant's conviction in count 2 of Penal Code section 192, subdivision (b). Haning, J. We concur: Peterson, P.J., Jones, J. (Not for Publication.)

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Friday, March 27, 1998

The Court met at 9:00 a.m. in its courtroom at 303 - 2nd Street, Fourth Floor, San Francisco. Present: Strankman, P.J., Stein, J., Dossee, J. and N. Millner, Deputy Clerk.

- A075622 The People,
 v.
 Demeterics Andru Drayton et al.,
Cause called and argued by David Stanley, via teleconference, counsel for appellant Sandifer, and Deputy Attorney General Clifford K. Thompson, counsel for respondent. Counsel for appellant Drayton waived oral argument. Cause ordered submitted.
- A077679 The Presley Companies,
 v.
 Mt. Diablo Unified School District et al.
Cause called and argued by Richard E. Brandt, counsel for appellant, Kathryn Luhe, counsel for respondents. Cause ordered submitted.
- A078262 David Porter,
 v.
 Department of Motor Vehicles.
Cause called and argued by Geoffrey Rotwein, counsel for appellant, and Sandra L. Smith, counsel for respondent. Cause ordered submitted.
- A075318 Jane S. Leov,
 v.
 Bank of America et al.
Cause called and argued by Sandra J. Shapiro, counsel for appellant, Stephen S. Mayne, counsel for respondent Bank of America, and David B. Nemer, Jr., counsel for respondent Constance Wilson. Cause ordered submitted.

Justice Strankman announced that that Justice Dossee was unavailable. He informed all counsel that Justice Dossee would have tapes from oral argument and that he was familiar with all the cases and he has read all the briefs. He then asked if all counsel would stipulate to continue without Justice Dossee. All counsel stipulated to continue without Justice Dossee.

A078666 Estate of Sam Zakessian

Carolyn J. Davis,

v.

George Gaos et al.

Cause called and argued by Patrick O'Donnell, counsel for appellant, and Charles P. Wolff, counsel for respondent. Cause ordered submitted.

A079410 Joel S. Coopersmith,

v.

Skyline Realty, Inc. et al.

Cause called and argued by LeRoy W. Rice, counsel for appellant, and Dennis Gildea, counsel for respondent. Cause ordered submitted.

Court recessed until 2:00 p.m.

Court reconvened at 2:00 p.m. Present: Strankman, P.J., Swager, J., and B. Robbins, Deputy Clerk.

Justice Strankman announced that that Justice Dossee was unavailable. He informed all counsel that Justice Dossee would have tapes from oral argument and that he was familiar with all the cases and he has read all the briefs. He then asked if all counsel would stipulate to continue without Justice Dossee. All counsel stipulated to continue without Justice Dossee.

A077664 Waste Management of Alameda Co.,
A080621 v.
Biagini Waste Reduction Systems.

Biagini Waste Reduction Systems,
v.
Superior Court of Alameda Co.;
Waste Management of Alameda Co., RPI
Cause called and argued by Barry W. Lee, counsel for appellant, and Ezra Hendon, counsel for respondent and real party in interest. Cause ordered submitted.

A076562 National American Bank,
A077171 v.
Y.C. Yu et al.
Cause called and argued by Mattaniah Eytan, counsel for appellant, and Gerald A. Buckosky, counsel for respondent. Cause ordered submitted.

A077043 Louis J. Ocken,
v.
Houston General Insurance Co.
Cause called and argued by David J. Garthe, counsel for appellant, and Robert Barrington, counsel for respondent. Cause ordered submitted.

COURT ADJOURNED

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday, March 30, 1998

DIVISION ONE

A079457 -- The People v. Calvin Fay Jackson, Jr.

The order permanently revoking appellant's probation is affirmed. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

DIVISION TWO

A077265 -- The People v. Leonard Morris, Jr.

The order requiring appellant to pay \$500 toward his defense costs is reversed. The balance of the judgment is affirmed. Ruvolo, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

A078182 -- The People v. Edward James Wise.

By The Court: The petition for rehearing is denied. Kline, P.J.

DIVISION THREE

A074730 -- The People v. Goodwin Romero Brodit.

By The Court: The petition for rehearing is denied. Phelan, P.J.

Monday, March 30, 1998 (continued)

A074873 -- The People v. Roger Cordero.

The judgment is affirmed. Corrigan, J. We concur: Phelan, P.J., Parrilli, J.
(Not for Publication.)

A076192 -- The People v. Theresa Gokey.

The People v. Leon Loren Tuttle.

Tuttle's judgment of conviction and sentence are AFFIRMED.

Gokey's judgment of conviction and sentence are AFFIRMED. Walker, J.
We concur: Corrigan, Acting P.J., Parrilli, J. (Certified for Partial Publication.)

A076284 -- Luis Vasquez et al. v. Palestro Distributing Center.

For the foregoing reasons, the order denying the motion to set aside the
default judgment is affirmed. Costs to respondents. Phelan, P.J. We concur:
Corrigan, J., Walker, J. (Not for Publication.)

A078197 -- John A. Roberts v. Hutka Mini Storage et al.

The judgment is affirmed. The matter is remanded for the trial court to
determine reasonable attorney fees and other costs on appeal. Corrigan, Act. P.J.
We concur: Parrilli, J., Walker, J. (Not for Publication.)

A078202 -- Timothy B. Manning v. Hutka Mini Storage et al.

The judgment is affirmed. The matter is remanded for the trial court to
determine reasonable attorney fees and other costs on appeal. Corrigan, Act. P.J.
We concur: Parrilli, J., Walker, J. (Not for Publication.)

A078207 -- Tony W. Jones v. Hutka Mini Storage et al.

The judgment is affirmed. The matter is remanded for the trial court to
determine reasonable attorney fees and other costs on appeal. Corrigan, Act. P.J.
We concur: Parrilli, J., Walker, J. (Not for Publication.)

Monday, March 30, 1998 (continued)

A080398 -- The People v. Deryk Bernard Hudson.

The judgment is affirmed. Corrigan, J. We concur: Phelan, P.J., Parrilli, J. (Not for Publication.)

DIVISION FOUR

A079629 -- Bayside Auto and Truck Sales, Inc. v. City and County of San Francisco.

The judgment for the City is affirmed. Bayside shall pay the City's costs on appeal. McGuiness, J. We concur: Poché, Acting P.J., Reardon, J. (Not for Publication.)

DIVISION FIVE

A078685 -- Barbara J. Turner v. Investek Financial Corp. et al.

The order releasing \$14,000 to Investek is affirmed. Peterson, P.J. We concur: Haning, J., Jones, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, March 31, 1998

DIVISION ONE

A080605 -- In re Donnell C., a Person Coming Under the Juvenile Court of Law.

Finding no error in the proceedings, we affirm the order of commitment. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

DIVISION TWO

A073529 -- The People v. Brian Michael Eads.

The conviction for false imprisonment in count 5 shall be vacated. In all other respects, the judgment is affirmed. Kline, P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

A074986 -- The People v. James R. Metters.

By The Court: The petition for rehearing is denied. (Kline, P.J., would grant the petition.) Kline, P.J.

A077296 -- The People v. John Robert Luper.

The judgment is affirmed. Kline, P.J. We concur: Haerle, J., Ruvolo, J. (Not for Publication.)

Tuesday, March 31, 1998 (continued)

A077795 -- The People v. Arthur James Smith.

The judgment is affirmed. Ruvolo, J. We concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

A078124 -- The People v. Ernie Wayne Stevens.

The judgment shall be corrected to specify 138 days of local conduct credit and as so corrected is affirmed. Kline, P.J. We concur: Haerle, J., Lambden, J. (Not for Publication.)

A078494 -- Stephen J. Burdoin v. Wilson, Ryan & Campilongo, et al.

The judgment is reversed. The cause is remanded to the trial court for further proceedings consistent with the views set forth herein. Costs are awarded to the appellant. Haerle, Acting P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

A079839 -- Louis Tercero v. Jerry G. Jennings.

We affirm the judgment and Tercero is to pay costs. Lambden, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

DIVISION FOUR

A076662 -- The People v. Vernon B. Britten.

The judgment is affirmed. Hanlon, P.J. We concur: Poché, J., Reardon, J. (Not for Publication.)

A078113 -- The People v. Robert Donnell Scott.

The judgment is affirmed. Reardon, J. We concur: Hanlon, P.J., McGuinness, J. (Not for Publication.)

Tuesday, March 31, 1998 (continued)

A078918 -- Pedro Leonardo Mascheroni v. Regents of the University of California.

The judgment is affirmed. Reardon, J. We concur: Hanlon, P.J., Poché, J.
(Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

DIVISION THREE

Tuesday, March 31, 1998

Court convened at 9:00 a.m. in its Courtroom at 303 Second Street, South Tower, Fourth Floor, San Francisco, California. Present: Phelan P.J., Corrigan J., Parrilli, J., and J. Casados, Deputy Clerk.

A073989 The People,
 v.
 Robert Earl O'Neal.
Cause called and argued by Victor Blumenkrantz, counsel for appellant,
and Matthew P. Boyle, Deputy Attorney General, counsel for respondent.
Cause ordered submitted.

A077144 Darryl B. Cohen,
 v.
 Airtouch Communications, Inc., et al.;
 Ross Pacini.
Cause called and argued by J. David Franklin, counsel for appellant,
and William Hirsch and Mary Cranston, by teleconference, counsel for
respondents. Cause ordered submitted.

A077076 Hal C. Aguirre Co.,
 v.
 City of Sonoma et al.
Cause called and argued by David Spangenberg, counsel for appellant,
and Andrea Saltzman, counsel for respondents. Cause ordered submitted.

Justice Parrilli left the bench, and Justice Walker took his place on the
bench.

A077465 The People,
 v.
 Brian M.
Cause called and argued by Tara Higgins, counsel for appellant, and Mia Anna Mazza, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A078572 The People,
 v.
 Keith K.
Cause called and argued by Valerie West, counsel for appellant, and Mia Anna Mazza, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

DIVISION THREE

Tuesday, March 31, 1998

Court convened at 1:30 p.m. in its Courtroom at 303 Second Street, South Tower, Fourth Floor, San Francisco, California. Present: Phelan P.J., Parrilli, J., Walker, J., and J. Casados, Deputy Clerk.

A076294 Trans-Action Commercial Investors, Ltd., et al.,
 v.
 Firmaterr, Inc.
Cause called and argued by Don McIntyre, counsel for appellants,
and Myron Moskovitz, counsel for respondent. Cause ordered submitted.

A075341 Robert O. Marocco,
 v.
 Fidelity and Deposit Company of Maryland et al.
Cause called and argued by John McGuinn, counsel for appellant,
and Brian Kreger, counsel for respondents. Cause ordered submitted.

Court adjourned.